term "DAT is known in the art. However, in order to expedite allowance of this application, Applicants have amended the specification at page 2, line 1 to include "(DAT)" after the term "dopamine transporter" to explicitly state that DAT is the abbreviation for dopamine transporter. In addition, the specification is amended at page 11, line 8 to insert "(SERT/DAT)" after "serotonin:dopamine transporter". This amendment does not add new matter as these terms are also shown in the heading for Table 1 on page 36.

Applicants respectfully request reconsideration and withdrawal of these rejections.

Claims 1-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Meltzer et al., WO 99/02526. The Examiner has rejected the present claims as obvious over the compounds and methods disclosed in the '933 patent, because "the difference between the instant invention and that of [the '933 patent] is that the applicant is claiming the specific SERT/DAT ratios". It is the Examiner's position that the determination of the specific SERT/DAT selectivity ratio is not patentably significant over what is disclosed in the '933 patent. Applicants respectfully traverse this rejection.

However, in order to expedite examination of this application, Applicants intend to add a benefit claim of priority to claim to U. S. application no. 08/893,921, filed July 11, 1997. This application corresponds to WO 99/02526 and issued U.S. Patent No. 5,948,933.

Because the priority claim is being added subsequent to four months from the filing of the present application, Applicants are submitting a petition to the Commissioner in accordance with 37 C.F.R. 1.78(a)(3) to allow an unintentionally delayed claim of priority. A copy of this petition and amendment to add the priority claim is attached to this response.

Applicants respectfully submit that once the petition is granted and the amendment entered, the rejection over WO 99/02526 will be moot. Thus, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 1-25 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 5,948,933. While Applicants disagree with the Examiner's position, in light of the addition of the claim of priority to U. S. application no. 08/893,921, which issued as U.S. Patent No. 5,948,933, this rejection is moot. Thus, Applicants respectfully request reconsideration and withdrawal of this rejection.

In view of the amendments and discussion above, it is respectfully submitted that the present application is in condition for allowance. An early reconsideration and notice of allowance are earnestly solicited. Should the Examiner wish to discuss the above amendment made herein, the undersigned attorney would appreciate the opportunity to do so. Thus the Examiner is hereby invited to call the undersigned, collect at the number shown below.

The Applicant believes that no additional fee is required for consideration of this Response. However, if for any reason the fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

Date:May 23, 2003
336140

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please amend the paragraph beginning at page 1, line 18, through page 2, line 2 as follows:

Antidepressant drugs delay the removal of extracellular serotonin from the synapse by blocking serotonin transport, thereby prolonging the duration of serotonin receptor activity. The increased availability of serotonin triggers a cascade of neuroadaptive processes, which produces symptom relief after two to four weeks. Presently known antidepressants also produce certain side effects and may selectively alleviate specific symptoms of depression (Nestler EJ. 1998. Biol Psychiatry 44:526-533). Thus, it is desirable to develop novel antidepressants. The majority of clinically approved drugs to treat depression or obsessive-compulsive disorder are high affinity inhibitors of serotonin and/or norepinephrine transport. Of these transporter inhibitors, none are tropane analogs, they display low affinity for the dopamine transporter (DAT), and all contain an amine nitrogen in their structure.

Please amend the paragraph on page 11, line 8-14 to read as follows:

The non-amines had varying affinities and serotonin:dopamine transporter (SERT/DAT) selectivities, as measured in monkey brain tissue (Table 2). As described above, preferred compounds for use in the methods of the present invention have a SERT/DAT selectivity ratio of at least about 3. Other embodiments have a SERT/DAT selectivity ratio of at least about 8 and other preferably at least about 50. Examples of preferred serotonin transporter-selective non-amines include O-1809, O-1739, O-1577, O-1738 and O-1585.